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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

WHANGI MICHELLE BERRIAN,

Plaintiff,

vs.

C. R. BARD, INC., et al.,

Defendants.

CASE NO. 2:23-cv-01491-JCM-EJY

**STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES**

Plaintiff Whangi Michelle Berrian (“Plaintiff”) and Defendants C. R. Bard, Inc. and Bard Peripheral Vascular Inc. (collectively, “Defendants”) stipulate to a short extension of the remaining

1 discovery deadlines pursuant to LR IA 6-1 and LR 26-3. This is the parties' third stipulation for
2 extension of time to take discovery.

3 **I. Discovery completed to date.**

4 **A. Initial disclosures**

5 The parties exchanged their initial disclosures on February 1, 2024.

6 **B. Fact Sheets**

7 The parties produced discovery responses in the form of the agreed upon fact sheets on March 7,
8 2024 (Plaintiff Fact Sheet) and April 8, 2024 (Defendant Fact Sheet). (*See* Doc. 23 at 3.)

9 **C. Depositions**

10 Defendants deposed the plaintiff on July 16, 2024, but reserved the right to reconvene plaintiff's
11 deposition following her testimony disclosing that she filed a disability claim in relation to the subject
12 device and had an upcoming doctor's appointment to evaluate the retained fractured struts from the
13 subject device. Defendants deposed the implanting physician on September 24, 2024.

14 **II. Remaining discovery.**

15 Defendants have obtained plaintiff's up-to-date medical records and disability file and intend to
16 reconvene the Plaintiff's deposition. Plaintiff's counsel is in the process of providing dates when the
17 Plaintiff and her attorneys are available. In addition, the parties are trying to schedule the deposition of
18 Plaintiff's treating cardiologist and the parties intend to depose expert witnesses and exchange expert
19 disclosures.

20 **III. Reasons that the remaining discovery will not be completed within the time limits
21 set by the discovery plan.**

22 The parties have worked very cooperatively with each other to complete the necessary discovery
23 remaining in this matter. Nevertheless, it took an unusually long time to obtain plaintiff's up-to-date
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1 medical records and the disability file, which in turn delayed the Defendants' ability to depose her
2 treating providers and to reconvene her deposition.

3 In addition, the parties have agreed to mediate this case, and mediation is scheduled for March
4 14, 2025. The parties believe extending the expert disclosure dates will help facilitate the mediation
5 process.
6

7 Good cause therefore exists for the requested extensions.

8 **IV. Proposed schedule for completing remaining discovery.**

Deadline	Current Date	Proposed New Date
Fact Discovery Cutoff	February 11, 2025	April 11, 2025
Plaintiff's Initial Expert Disclosures	March 3, 2025	March 17, 2025
Defendants' Initial Expert Disclosures	April 15, 2025	April 29, 2025
Case-Specific Experts Deposed on Case-Specific Reports	May 15, 2024	May 29, 2024
Expert Discovery Cutoff	May 15, 2024	May 29, 2024
Dispositive Motions	June 17, 2025	July 1, 2025

19 **IT IS SO STIPULATED.**

21 Date: February 27, 2025.

22 SNELL & WILMER L.L.P.

23 By: /s/ Dawn L. Davis (with permission)
24 Dawn L. Davis, Esq.
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27 Las Vegas, Nevada 89169
28

Date: February 27, 2025.

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11 **ORDER**

12 **IT IS SO ORDERED.**

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17 UNITED STATES MAGISTRATE JUDGE

18 DATED: February 28, 2025